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Finjan, Inc.

17 **UNITED STATES DISTRICT COURT**
18 **NORTHERN DISTRICT OF CALIFORNIA**
19 **SAN JOSE DIVISION**
20

21 FINJAN, INC., a Delaware Corporation,
22 Plaintiff,
23 vs.
24 CISCO SYSTEMS, INC.,
25 a California Corporation
26 Defendant.
27
28

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(Complete list of counsel for Defendant
on signature page)

Case No. 5:17-cv-00072-BLF-SVK

STIPULATION AND ~~PROPOSED~~
ORDER ADVANCING CLAIM
CONSTRUCTION TUTORIAL (L.R. 6-2(a))

1 Pursuant to Civil Local Rule 6-2(a) Plaintiff Finjan, Inc. (“Finjan”) and Defendant Cisco
2 Systems, Inc. (“Cisco”) submit this Stipulation and [Proposed] Order Advancing the Claim
3 Construction Tutorial from June 15, 2018 to June 7, 2018.

4 WHEREAS, due to the likely unavailability of Cisco’s lead counsel resulting from a
5 scheduled trial in *Oyster Optics, LLC v. Cisco Systems, Inc. et al.*, C.A. No. 2:16-cv-01301-JRG
6 (E.D. Tex.), the parties submitted a Stipulation and [Proposed] Order Continuing the Claim
7 Construction Tutorial from June 7, 2018 to June 12, 2018 (Dkt. No. 113).

8 WHEREAS, on April 12, 2018, the Court issued its Order Denying Stipulation to Continue
9 Claim Construction Tutorial; And Resetting Claim Construction Tutorial to June 15, 2018 at 9:00
10 a.m. (Dkt. No. 115) (hereinafter “Claim Construction Tutorial Order”). In its Claim Construction
11 Tutorial Order, the Court advised that the Claim Construction Tutorial and Claim Construction
12 Hearing may be reset to new dates in November 2018 subject to the Court’s availability. (*Id.*)

13 WHEREAS, the parties met and conferred on April 13, 2018 to discuss the Court’s Claim
14 Construction Tutorial Order. While Cisco preferred to re-set the Claim Construction Tutorial and
15 Claim Construction Hearing to new dates in November 2018 given the Joint Stipulated Case
16 Schedule, Finjan preferred to proceed with the Claim Construction Tutorial and Claim Construction
17 Hearing on June 15, 2018.

18 WHEREAS, in view of the number of patents currently at issue (five), Cisco prefers that the
19 Claim Construction Tutorial remain on June 7, 2018, as originally scheduled by the Court (Dkt. Nos.
20 70, 78, 102), and Cisco will make arrangements to have a different set of lawyers present at the Claim
21 Construction Tutorial. Finjan agreed to this approach.

22 WHEREAS, the proposed modifications will not alter any other deadlines (except for those
23 identified herein) already fixed by the Court or set by the Federal Rules of Civil Procedure, including
24 the Claim Construction Hearing on June 15, 2018.

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NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among
counsel for Finjan and Cisco that:

- The Claim Construction Tutorial be advanced from June 15, 2018 at 9:00 a.m. to June 7, 2018 at 1:30 p.m., as originally set by the Court in the Joint Stipulated Case Schedule (Dkt. No. 70) and subsequent modifications thereto (Dkt. Nos. 78 and 102).

Dated: April 13, 2018

Respectfully submitted,

/s/ James Hannah

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*Counsel for Defendant
Cisco Systems, Inc.*


~~PROPOSED~~ ORDER

The Court, having read and considered the parties' Stipulation, and finding good cause in support thereof, hereby orders the following:

- The Claim Construction Tutorial shall be advanced from June 15, 2018 at 9:00 a.m. to June 7, 2018 at 1:30 p.m.

IT IS SO ORDERED

Dated: April 13, 2018



Judge Beth Labson Freeman
UNITED STATES DISTRICT COURT JUDGE